

May 31, 2017

Mr. Bahram Badiyi  
McClellan Badiyi & Associates  
38 North Lotus Avenue  
Pasadena, CA 91107

**RE: 1821 SOUTH BRAND BOULEVARD  
PARKING EXCEPTION CASE NO. PPPEX 1709649**

Dear Mr. Badiyi:

Pursuant to Chapter 30.32.020, the Director of Community Development has processed an application for a Parking Exception to allow less than the required number of "accessible" parking spaces for the project proposed at 1815 - 1821 South Brand Boulevard, described as Portions of Lots 9 and 10 of Tract No. 987, in the SFMU - Commercial/Residential Mixed Use Zone, in the City of Glendale, County of Los Angeles.

#### **CODE REQUIRES**

##### Parking Exception

- 1) All required parking spaces need to be "accessible", as per GMC Section 30.32.180, Chart VI.

#### **APPLICANT'S PROPOSAL**

##### Parking Exception

- 1) To allow 25 of the 90 required residential parking spaces in a tandem (non-accessible) arrangement. The mixed use project is providing a total of 99 parking spaces, when 94 spaces are required by Code for the 38 residential units and 850 SF of retail/personal service area.

#### **ENVIRONMENTAL DETERMINATION**

Exempt from CEQA review as a Class 32 "Infill Development" exemption pursuant to Section 15332 of the State CEQA Guidelines. See attachment.

#### **REQUIRED/MANDATED FINDINGS**

After thorough consideration of the statements contained in the application and the plans submitted therewith, the Planning Hearing Officer has **GRANTED WITH CONDITIONS** your parking exception application based on the following:

- A. Parking spaces required for the proposed use or construction proposal cannot reasonably be provided in size, configuration, number of spaces or locations specified by the provisions of this title without impairment of the project's viability.**

Parking spaces required for the proposed mixed use project cannot reasonably be provided in an accessible configuration without impairing the project's viability. The applicant is providing 99 parking spaces on the project site within four garage levels: one

at-grade and three levels of subterranean parking. Per Code, four spaces are required for the proposed 850 SF retail/personal service commercial space (based on the parking ratio of 4 spaces/1000 SF, though only three spaces are required if an office use, based on the ratio of 2.7 spaces/1,000 SF), and 90 spaces for the 38 residential units (2 spaces for the 30 1- and 2-bedroom units, and 2.5 spaces for the eight 3-bedroom units, plus ¼ guest space per unit). The proposed number of spaces (total of 99) is greater than the maximum 94 required by Code. However, 25 of these spaces are proposed in a tandem configuration and therefore, are not recognized as “accessible” parking spaces counted towards the “required parking”.

The subject site has frontage on South Brand Boulevard, and is approximately 100 feet wide and over 240 feet long. A commercial tenant space is proposed at the ground level fronting Brand Boulevard to the north of the driveway, and the residential lobby and leasing office is proposed on the opposite side of the driveway. The rest of the ground level is devoted to commercial parking, utility rooms and driveway ramp leading to the subterranean parking spaces for the residential units and guests. A great percentage of the lot width is devoted to the two-way drive aisle ramping system for access to the parking spaces. Furthermore, the project is already providing three subterranean garage levels. Given the cost of excavating another (fourth) level of subterranean parking, as well as the width of the subject site preventing the location of more than one drive aisle with the ramping system, the mixed use project cannot *reasonably* provide all parking spaces in an accessible configuration for the relatively small scale mixed use project.

**B. The parking exception will serve to promote specific goals and objectives of the adopted plan for the San Fernando Road Corridor Redevelopment Project Area and will be consistent with the various elements of the General Plan and will promote the general welfare and economic well-being of the area.**

Goals of the San Fernando Road Corridor Redevelopment Project Area include: elimination of the spread of blight and deterioration; achievement of an environment reflecting a high level of concern for architectural, landscape, urban design and land use principles; expansion of the community’s supply of housing; and re-planning, redesign and development of areas which are stagnant or improperly utilized. The proposed development will be consistent with the goals of this Area. The project will redevelop an underutilized site currently featuring two auto body repair shops surrounded by high density multi-family and commercial uses along South Brand Boulevard in the SFMU zone. The mixed-use project will provide 38 residential units and a small commercial space activating the street frontage, will be designed in an attractive, contemporary style requiring approval by the Design Review Board, and will more fully utilize an important, commercial site at the entrance of the City. Furthermore, the project is providing housing within 0.3 miles of the Glendale Transportation Center (train center); housing near public transit is a goal which is recommended by the Circulation and Land Use Elements.

The subject site is located in the Community/Services Commercial land use designation with a corresponding zoning of SFMU (Commercial/Residential Mixed Use). The zoning designation permits mixed-use development. Public and private utilities can accommodate the proposed mixed-use development, as Glendale Water and Power and the City’s Public Works Department did not cite concerns related to providing services to this project.

**C. The project involves exceptional circumstances or conditions applicable to the property involved, or the intended use or development of the property that do not apply generally to other property in the area.**

The SFMU zone is generally located along the southern portion and the west side of San Fernando Road and along Broadway and Colorado Street between Columbus Street and San Fernando Road. The project will be the first mixed use development within the surrounding SFMU neighborhood. Directly adjacent to the proposed project is a multi-family residential uses to the south and a fast food restaurant to the north. The historic Seeley's building (commercial and live-work) and its surface parking lot are located to the north-east and a car rental business directly to the east across Brand Boulevard and industrial uses to the west across the alley. At this time, this project would be the first mixed use project with ground floor commercial with five levels of residential above. These are no other true mixed use projects located close to the project site. Additionally, the site is only 100 feet wide, and as noted in Finding A, a great percentage of the lot width is devoted to the two-way drive aisle ramping system for access to the parking spaces within the three-level subterranean garage. Therefore, this proposed development on this site involves unique conditions that are not generally found on other properties in the neighborhood.

Furthermore, a Parking Exception was recently approved on April 6, 2017, to allow 78 parking spaces, 21 of which are in a tandem (non-accessible) arrangement, for a new six-story, 26-unit live/work project with directly across the street at 1820 South Brand Boulevard; that project is currently going through the Design Review process and is not fully entitled. Approval of the current parking exception request would be similar in terms of allowing tandem spaces for the same unit and with no reduction in the total number of required spaces.

**D. There are mitigating circumstances whereby the exception will not be materially detrimental to the public welfare or injurious to property or improvements in the vicinity of the property or in the neighborhood in which the property is located.**

As previously mentioned, to develop the site as proposed, the applicant is requesting approval of a parking exception for 25 spaces because they are not accessible and in a tandem arrangement. While the City's parking standards do not recognize inaccessible spaces, mitigating circumstances are available so the project will not be detrimental to the public welfare or injurious to the property or surrounding area. A condition of approval will be added to the project requiring that tandem spaces be assigned to the same residential unit as the accessible space in front of it.

## **CONDITIONS OF APPROVAL**

**APPROVAL** of the **Parking Exception** shall be subject to the following:

1. That the development shall be in substantial accord with the plans submitted with the application and presented at the hearing except for any modifications as may be required to meet specific Code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That all necessary licenses (i.e. building, fire, engineering, etc.) shall be obtained from the Building and Safety section and Public Works Department and all construction shall



be in compliance with the Glendale Building Code UBC (Universal Building Code) and all other applicable regulations.

3. A grading/drainage plan shall be submitted for the Engineering Division's review and approval and shall be made a part of the building plans submitted with the building permit application.
4. Separate permits are required for all work within the public right-of-way. The applicant shall bear all fees for the necessary permits and construction inspection for work within the public right-of-way.
5. The project shall comply with all National Pollutant Discharge Elimination System (NPDES) requirements, including filing a Notice of Intent with the Los Angeles Regional Water Quality Control Board, and the submittal and certification of plans and details showing preconstruction, during construction and post-construction Best Management Practices (BMPs) that are integrated into the design of the project. In addition, the applicant shall submit an approved Standard Urban Stormwater Mitigation Plan (SUSMP) to be integrated into the design of the project.
6. That Design Review approval shall be obtained prior to the issuance of a building permit.
7. That if any buildings, sidewalks, curb or gutter, fencing or landscape areas, etc., adjacent to the site are damaged during the course of construction on public or private property, the damage shall be repaired to the satisfaction of the Planning Hearing Officer for private property and the Director of Public Works for public property.
8. That the applicant shall comply with all the requirements of the Building & Safety Section, Glendale Water & Power, Public Works, and Community Services & Parks Department, as specified in their interdepartmental memos, to the satisfaction of the Department Director.
9. That tandem parking spaces shall be assigned to the same entity that is assigned the accessible parking space in front of it.

#### **APPEAL PERIOD**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to expiration of the 15-day period, on or before **June 15, 2017**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru

Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

**APPEAL FORMS available on-line** <http://www.glendaleca.gov/appeals>

To save you time and a trip - please note that some of our FORMS are available on line and may be downloaded. AGENDAS and other NOTICES are also posted on our website.

**GMC CHAPTER 30.41 PROVIDES FOR**

**TERMINATION**

Every right or privilege authorized by a Parking Exception shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

**CESSATION**

A Parking Exception may be terminated by the review authority upon any interruption or cessation of the use permitted by the Parking Exception for one year or more in the continuous exercise in good faith of such right and privilege.

**EXTENSION**

Permits granted by such right or privilege may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the conditional use permit.

**TRANSFERABILITY**

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

**VIOLATIONS OF THESE CONDITIONS**

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

**REVOCATION**

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over variances, conditional use permits and administrative exceptions. To consider the revocation, the Director of Community Development shall hold a public hearing after giving notice by the same procedure as for consideration of a Parking Exception at least 10 days' notice by mail to the applicant or permittee.

**NOTICE – subsequent contacts with this office**

The Applicant is further advised that all subsequent contacts with this office regarding this determination must be with the Case Planner first and then, the Hearing Officer who acted on this case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

You may contact the case planner, Vilia Zemaitaitis, during normal business hours at (818) 937-8154 or via e-mail at [vzemaitaitis@glendaleca.gov](mailto:vzemaitaitis@glendaleca.gov).

Sincerely,



Erik Krause  
Interim Deputy Director of Community Development

For Philip Lanza fame  
Director of Community Development

Attachment: Class 32 "Infill Development" Exemption

cc: City Clerk (K. Cruz); City Attorney's Dept. (G. van Muyden); Fire Prevention Engineering Section (J. Halpert); Dir. Of Public Works (R. Golanian); Traffic & Transportation Section (W. Ko/S. Vartanian); General Manager for Glendale Water and Power (S. Zurn); Glendale Water & Power - Water Section (G. Tom/S. Boghosian); Glendale Water & Power - Electric Section (V. Avedian/B. Ortiz); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (S. Mirzaian); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); case planner, Vilia Zemaitaitis; Bahram Badiyi (Applicant); Joseph Kassounian and Manuel Kassounian (Owners)